

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HUMBERTO VIRGEN-MORENO,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-06-53-M
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	


ORDER

On January 20, 2006, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this habeas action brought pursuant to 28 U.S.C. § 2241. Magistrate Judge Purcell recommends that this Court dismiss Petitioner's Petition for Writ of Habeas Corpus without prejudice for lack of jurisdiction. The parties were advised of their right to object to the Report and Recommendation by February 9, 2006. Petitioner timely filed an objection.

Having carefully reviewed this matter *de novo*, the Court agrees with Magistrate Judge Purcell's Report and Recommendation in all respects. Accordingly, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by Magistrate Judge Purcell on January 20, 2006;
- (2) DISMISSES Petitioner's Petition for Writ of Habeas Corpus for lack of jurisdiction;
- (3) ORDERS that judgment be entered in favor of Respondent forthwith.

IT IS SO ORDERED this 13th day of March, 2006.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE